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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,678	01/15/2002	Eric Benazzi	PET-1983	2277

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/145,678

Applicant(s)  
Benazzi et al.

Examiner  
Cam Nguyen

Art Unit  
1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 15, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

The abstract appears on the first page of applicants' specification and it should be on a separate page by itself. Appropriate correction is required.

2. Applicants' specification is objected to because it does not follow the format as set forth in the MPEP.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to the drawings, each of the lettered items should appear in upper case, without underling or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-Reference to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Sequence Listing," a table, or a computer program listing appendix submitted on compact disc (see 37 CFR 1.52(e)(5)).

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- (e) Background of the Invention.
    - 1. Field of the Invention.
    - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (f) Brief Summary of the Invention.
  - (g) Brief Description of the Several Views of the Drawing(s).
  - (h) Detailed Description of the Invention.
  - (i) Claim or Claims (commencing on a separate sheet).
  - (j) Abstract of the Disclosure (commencing on a separate sheet).
  - (k) Drawings.
  - (l) Sequence Listing, if on paper (see 37 CFR 1.821-1.825).
3. The title of the invention is objected to because it contains minor informalities. The following title is suggested: --Catalyst comprises a silica-alumina and its use for hydrocracking of hydrocarbon feedstocks--.

***Response to Election/Restriction***

4. Applicant's election of Group I, claims 1-9 & 15, in Paper No. 8 is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

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5. Claims 10-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in Paper No. 8.

6. Applicants' amendment, filed on July 8, 2003, has been considered. Claims 2-4, 6, & 8 have been amended. New claims 16-20 have been added.

Claims 1-20 are now pending in this application.

***Claim Objections***

7. Claims 1-9 & 16-19 are objected to because of the following informalities:

- A. In claim 1, line 1, "that" should be deleted.
- B. In claim 1, line 2, "that" should be deleted.
- C. In claim 1, line 4, "a content by weight of silica" should be --a silica content of--.
- D. In claim 1, line 5, "that is" should be deleted.
- E. In claim 1, line 7, "the volume" should be changed to --a volume--.
- F. In claim 1, line 9, "the volume" should be changed to --a volume--.
- G. In claim 1, line 9, "that is" should be deleted.
- H. In claim 1, line 11, "that is" should be deleted.
- I. In claim 2, line 1, "in which" should be replaced with --wherein--.
- J. In claim 3, line 1, "in which" should be replaced with --wherein--.

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- K. In claim 4, line 1, "that contains" should be replaced with --further contains--.
- L. In claim 5, line 1, "that contains" should be replaced with --further contains--.
- M. In claim 5, line 2, "that is" should be deleted.
- N. In claim 6, line 1, "in which" should be replaced with --wherein--.
- O. In claim 7, line 1, "whose" should be replaced with --wherein the--.
- P. In claim 8, line 1, "in which" should be replaced with --wherein--.
- Q. In claim 8, line 1, "results from the mixture" should be changed to --comprises a mixture--.
- R. In claim 9, line 1, "that has undergone a sulfurization treatment" should be changed to --has been sulfur treated--.
- S. In claim 16, line 1, "that contains" should be replaced with --, further contains--.
- T. In claim 16, line 1, "that is" should be deleted.
- U. In claim 17, line 1, "in which" should be replaced with --wherein--.
- V. In claim 18, line 1, "whose" should be replaced with --the--.
- X. In claim 19, line 1, "that has undergone a sulfurization treatment" should be changed to --has been sulfur treated--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112 (Second Paragraph)***

- 8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-9 & 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 2, recitation of "at least one silica-alumina" is unclear as to whether other support materials are included but not listed. Thus, renders the claim vague and indefinite.

#### *Allowable Subject Matter*

10. Claims 1-9 & 15-20 are not being rejected under the art rejection because they contain allowable subject matter. The following is the statement of reasons for allowable subject matter.

The prior art does not disclose or fairly suggest a catalyst requiring a silica-alumina substrate having the properties as recited in claim 1.

There is no motivation to combine the teachings of the references together.

#### *Citations*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Zierner (US Pat. 6,030,921), Bartley et al. (US Pat. 6,534,441 B1), Balducci et al. (US Pat. 5,731,261), Choca et al. (US Pat. 4,174,301), Chen et al. (US Pat. 6,399,530 B1), & Sherwood, Jr. (US Pat. 5,968,348) are cited for related art.


*Conclusion*

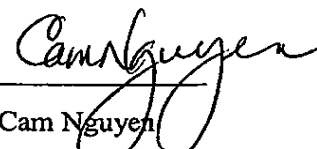
12. Claims 1-20 are pending. Claims 1-9 & 15-20 are rejected. Claims 10-14 are withdrawn due to nonelected (distinct) invention. No claims are allowed.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn   
July 28, 2003

  
Cam Nguyen  
Patent Examiner  
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